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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/229,046	01/12/1999	MICHAEL G. COUTTS	7890	7721

26889 7590 05/03/2007  
MICHAEL CHAN  
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1700 SOUTH PATTERSON BLVD  
DAYTON, OH 45479-0001

EXAMINER
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TSEGAYE, SABA

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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05/03/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/229,046

Applicant(s)

COUTTS ET AL.

Examiner

Saba Tsegaye

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 148-198 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 148-156, 162-170, 178 and 179 is/are allowed.
- 6) ☒ Claim(s) 157-159, 171-173, 176 and 180-198 is/are rejected.
- 7) ☒ Claim(s) 160, 161, 174, 175 and 177 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is in response to the amendment filed 02/05/07. Claims 148-198 are pending. Claims 148-156, 162-170, 178 and 179 are allowed. Claims 160, 161, 174-175 and 177 are objected. Claims 157-159, 171-173, 176 and 180-198 are rejected.

### ***Claim Rejections - 35 USC § 112***

2. Claims 178, 189 and 193 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 178, line 7, the phrase "the agent" lacks antecedent basis.

Claim 189:

Line 5, the phrase "the security" lacks antecedent basis.

Line 6, the phrase "the agent" lacks antecedent basis.

Claim 193, line 6, it is not clear whether "a list" refers to the same list cited in line 4.

### ***Claim Rejections - 35 USC § 102***

3. Claim 188 is rejected under 35 U.S.C. 102(e) as being anticipated by Korman et al. (US 6,308,887 B1).

Regarding claim 188, Korman discloses, in figs. 1-3, a method of operating a server system (40, host computer (server)) and associated Automated Teller Machines (ATMs) (10, Super-ATMs), comprising:

Art Unit: 2616

a) querying the ATMs over a network, to obtain information about conditions in the ATMs (the host computer monitors the individual super-ATMs; column 9, lines 50-61);

b) based on the information, making predictions as to times when specific maintenance procedures should be performed on the ATMs (the host also initiate contact with the individual super-ATM, polling for data such as when components need service based on their use; column 9, lines 50-61); and

c) scheduling maintenance personnel to perform the procedures (the host may evaluate the priority of service requirements for each super-ATM, and schedule technicians accordingly).

***Claim Rejections - 35 USC § 103***

4. Claims 180, 181, 190, 195 and 196 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korman et al.

Regarding claims 180, 181, 190, and 195, Korman discloses all the claim limitations as stated above. Further, Korman discloses that the Super-ATM PC could be independent, originating its own communications to third parties to effect transactions. Reference to contacting a remote terminal include both the Super-ATM PC contacting a host, and the host contracting a remote terminal, or the Super-ATM PC contacting a remote terminal directly. However, Korman does not disclose to store a list of available service personnel in each ATM.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a system that stores a list of available service personnel in each ATM to the system of Korman. One would have been motivated to do this because end users will save time to locate service providers by being kept up-to-date about the available service person.

Art Unit: 2616

Regarding claim 196, Korman discloses that the host evaluates the priority of service requirements for each Super-ATM and schedule technicians accordingly or Super-ATM PC are contacting a remote terminal directly.

5. Claims 182, 183, 197 and 198 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korman et al. in view of Lesaint et al. (US 6,578,005).

Korman discloses all the claim limitations as stated above. Further, Korman discloses that the Super-ATM PC could be independent, originating its own communications to third parties to effect transactions. Korman does not disclose listing service personnel in rank order on the list and list indicates a field of technical expertise for each service person.

Lesaint teaches storing priority information indicating a preferred order in which the service representatives are to be notified in the event that the designated operating condition occurs (column 13, lines 10-43), and first notifying the service representative at the top of the preferred order in the event of the designated operating condition (step 54), and then notifying the service representative next in the preferred order (column 13, lines 10-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add system that listing service personnel in rank order, to the system of Korman in order to provide a better customer satisfaction base the ability and the availability of the service representative.

6. Claims 157-159, 171-173, 176, 179, 184-187, 189, 191-194 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korman in view of Agarwal et al. (US 5,958,010).

Art Unit: 2616

Korman discloses all the claim limitations as stated above. Further, Korman discloses that Super-ATM network is configured with a client/server structure, wherein the Super-ATM is the client and the host is the server (column 10, lines 45-50). Korman does not expressly disclose an intelligent agent.

Agarwal teaches a method for distributed, automated, intelligent monitoring agents with embedded sensing technology knowledgeable of application protocols to continuously monitor the network environment in real time. The monitoring agents can be located on each client and server in the network. Further, Agarwal teaches a security processor for processing information to identify a security characteristic, which is represented of a level of security.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use an intelligent monitoring agents, such as suggested by Agarwal, to client/server system of Korman in order to provide a system that have capabilities of monitoring, task selection and decision-making without human intervention.

***Allowable Subject Matter***

7. Claims 160, 161, 174, 175 and 177 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 148-156, 162-170, 178 and 179 are allowed.

Art Unit: 2616

***Response to Arguments***

9. Applicant's arguments with respect to claims 148-198 have been considered but are moot in view of the new ground(s) of rejection.

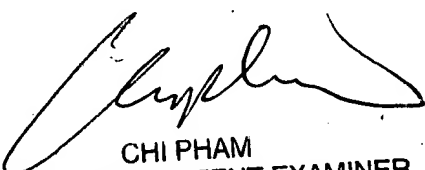
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (571) 272-3091. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ST  
April 27, 2007

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER 4/30/07